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Eero Kaappa

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EXAMINER

BAROT, BHARAT

ART UNIT

PAPER NUMBER

2155

MAIL DATE

DELIVERY MODE

10/01/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

RESPONSE TO AMENDMENT

1. Claims 1-21 remain for further examination.

The new grounds of rejection

2. Applicant's arguments with respect to claims 1-21 filed on July 07, 2008 have been fully considered but they are not deemed to be moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claim 18 is rejected under 35 U.S.C. 101 because the claimed invention of the claim 18 is directed to non-statutory subject matter. Claim 18 recited "A computer program product comprising: computer code.....," which is non-statutory as not being executable in/by a computer/processor.

Claim Rejections - 35 USC § 103(a)

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-21 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Hindawi et al (U.S. Patent No. 6,879,979) in view of Bakke et al (U.S. Patent No. 7,353,259).

7. As to claim 1, Hindawi et al teach a method comprising: receiving a provisioning content document (query) from a wireless communication network, the provisioning content document comprising configuration information for a device; parsing the provisioning content document including a plurality of characteristics; and identifying a number in an application characteristic of the plurality of characteristics in the provisioning content document (see abstract and summary; figure 1; column 1 lines 22-34 and 55-60; and column 5 line 29 to column 7 line 20).

However, Hindawi et al do not teach a method for client provisioning using an application characteristics template with flag functionality, comprising: identifying a flag parameter in an application characteristic of the plurality of characteristics in the provisioning content document, wherein the flag parameter indicates whether parameters should be set in the configuration of the device.

Bakke et al teach a method for client provisioning using an application characteristics template with flag functionality, comprising: identifying a flag parameter

in an application characteristic of the plurality of characteristics in the provisioning content document, wherein the flag parameter indicates whether parameters should be set in the configuration of the device (figures 2 and 5; column 5 line 24 to column 6 line 48; and column 12 lines 31-53).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bakke et al in the method of Hindawi et al for client provisioning using an application characteristics template with flag functionality because it would have provided efficient failure recovery and configuration information exchanges between devices and performed tasks and applications without burdening the network with excessive network traffic.

8. As to claims 2-4, Hindawi et al teach that the application characteristic comprises multiple levels (figure 1; columns 3-4; and columns 6-7); and Bakke et al teach that the flag parameter is introduced in one level or all levels of the application characteristic (figures 2 and 5; column 5 line 24 to column 6 line 48; and column 12 lines 31-53).

9. As to claims 5-6, Bakke et al teach that the flag parameter has a meaning defined in a registration document, the flag parameter defines a common flag type parameter such that the presence of the flag parameter indicates that the parameter is used, otherwise, the parameter is omitted (figures 2, 5, and 7; column 5 line 24 to column 6 line 48; column 12 lines 31-53; and column 13 line 60 to column 15 line 27).

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10. As to claims 7-13, they are also rejected for the same reasons set forth to rejecting claims 1-6 above, since claims 7-13 are merely an apparatus for the method of operations defined in the method claims 1-6. Additionally, Hindawi et al teach that the device is using wireless connection, which implies that the device is a mobile telephone or a portable device (see summary; and column 1 lines 22-34 and 55-60).

11. As to claims 14-17, claims 14-17 do not teach or define any new limitations than above claims 1-13; therefore, they are rejected for the similar reasons.

12. As to claims 18-21, they are also rejected for the same reasons set forth to rejecting claims 1-6 above, since claims 18-21 is merely a computer program product for the method of operations defined in the method claims 1-6.

Response to Arguments

13. Applicant's arguments with respect to claims 1-21 filed on July 07, 2008 have been fully considered but they are not deemed to be persuasive and moot in view of the new grounds of rejection.

14. Applicant's arguments have been fully considered. The examiner has attempted to answer (response) to the remarks (arguments) in the body of the Office action.

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15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose Telephone Number is **(571) 272-3979**. The examiner can normally be reached on Monday-Friday from 7:00 AM to 3:30 PM. Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number **(571) 273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Saleh Najjar**, can be reached at **(571) 272-4006**.

/Bharat N Barot/

Primary Examiner, Art Unit 2155

September 16, 2008